

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0119

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to MELLETT-ATTEMPTS TO COMMIT CRIME.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-4-1 be amended to read as follows:

4 22-4-1. ~~Any~~ Unless specific provision is made by law, any person who attempts to commit  
5 a crime and, in the attempt, does any act toward the commission of the crime, but fails or is  
6 prevented or intercepted in the perpetration ~~thereof~~ of that crime, is punishable ~~where no~~  
7 ~~provision is made by law for the punishment of such attempt, as follows:~~

8 ~~—(1)— If the attempted crime is punishable by imprisonment in the state penitentiary for five~~  
9 ~~years or more, or by imprisonment in a county jail, the person guilty of such attempt~~  
10 ~~is punishable by imprisonment in the state penitentiary or in a county jail, as the case~~  
11 ~~may be, for a term not exceeding one-half the longest term of imprisonment~~  
12 ~~prescribed upon a conviction for the attempted crime;~~

13 ~~—(2)— If the attempted crime is punishable by imprisonment in the state penitentiary for any~~  
14 ~~time less than five years, the person guilty of such attempt is punishable by~~  
15 ~~imprisonment in a county jail for not more than one year;~~

16 ~~—(3)— If the attempted crime is punishable by a fine, the offender convicted of such attempt~~



1 is punishable by a fine not exceeding one-half the largest fine which may be imposed  
2 upon a conviction of the attempted crime;

3 ~~— (4) —~~ If the attempted crime is punishable by imprisonment and by a fine, the offender  
4 convicted of such attempt may be punished by both imprisonment and fine, not  
5 exceeding one-half of the longest term of imprisonment and one-half of the largest  
6 fine which may be imposed upon a conviction for the attempted crime; or

7 ~~— (5) —~~ If the attempted crime is punishable by a sentence of life imprisonment or if the  
8 attempted crime is punishable by imprisonment in the state penitentiary for a  
9 minimum number of years and no maximum punishment is provided, the offender  
10 convicted of any such attempt may be punished as if he were guilty of a Class 2  
11 felony at maximum sentence of one-half of the penalty prescribed for the underlying  
12 crime. However, any person who attempts to commit a Class A, Class B, or Class C  
13 felony is guilty of a Class 2 felony.

14 Section 2. That § 22-4-2 be amended to read as follows:

15 22-4-2. ~~Section 22-4-1 does~~ The provisions of § 22-4-1 do not protect a person who, in  
16 attempting unsuccessfully to commit a crime, ~~accomplishes the commission of~~ commits another  
17 and different crime, whether greater or less in guilt, from suffering the punishment prescribed  
18 by law for the crime committed.